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Serbia: Domestic violence; legislation and implementation; support services for victims (2001 - April 2009)
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Multiple sources, including government agencies, international bodies and non-governmental organizations (NGOs), indicate that domestic violence is a persistent and serious problem in Serbia (COE 11 Mar 2009, Para. 135; Freedom House 2008; US 25 Feb. 2009, Sec. 5; SEESAC 2007, 1; HOM 2006, 21-22). According to a study sponsored by the World Health Organization (WHO) conducted by the NGO Autonomous Women's Center (AWC), in 2003, of 1,456 women surveyed in Belgrade, 24 percent of "ever-partnered" women (defined as having ever been married or cohabitating with a man or currently in an intimate relationship) had experienced physical or sexual violence from their partners (WHO 2005). Another study, conducted in 2001 by the NGO Victimology Society of Serbia (Victimološko Društvo Srbije, VDS), in which 700 women from seven Serbian cities or towns (UN Sept. 2007, 45) were interviewed about domestic violence, indicates that 30.6 percent had experienced physical violence, 46.1 percent had experienced psychological violence and 8.7 percent had experienced sexual abuse (HOM 2006, 23; UN Sept. 2007, 45, 47, 49). Serbian media sources *Danas* and *Vecernje Novosti* report that one in three Serbian women have been victims of domestic violence (Reuters 15 May 2007; *ibid.* 28 Nov. 2007).

Sources report that official statistics on incidents of domestic violence in Serbia have not been gathered by the state, making it difficult to assess the extent of the problem and to track progress of programs (SEESAC 2007, 4; Voice of Difference from Serbia Apr. 2007, 3). According to a report by the Council of Europe's (COE) Commissioner for Human Rights, one NGO reported that 21 women in Serbia died as a result of domestic violence between January and October 2008 (COE 11 Mar. 2009, Para. 136). The Serbian newspaper *Novosti* reports that there are 19,000 cases of domestic violence in Serbia each year (Reuters 2 Aug. 2007). According to a report funded by the United Nations (UN) Development Programme (UNDP), the police intervened in approximately 20,000 cases of domestic violence each year from 2004 to the first half of 2006 (UN Sept. 2007, 41).

Multiple sources report that incidents of domestic violence are underreported (UN 20 June 2008, Para. 44; SEESAC 2007, 4; COE n.d., Sec. 3). According to the WHO study in 2003, 78 percent of physically abused women did not seek help from any formal agency, such as police, medical facilities, social services, legal services or shelters (WHO 2005).

The European Roma Rights Centre (ERRC), an international public interest law organization, and three Serbian women's NGOs, Bibija, Eureka and Women's Space, reported on the situation of Romani women in Serbia to the UN Committee on the Elimination of Discrimination Against Women (CEDAW) (ERRC/Bibija/Eureka/Women's Space 2007). In their field research, which was conducted by six Romani women, 81 Romani women answered questions about domestic violence: over 75 percent said they had experienced domestic violence, particularly physical and verbal abuse (*ibid.*, 4, 5, 11). Of these cases, 10 women sought help from the police (*ibid.*, 12).

A 2007 study by the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), a group established in co-operation with the UNDP to stop the flow and availability of Small Arms and Light Weapons (SALW) in the region (SEESAC n.d.), and a 2006 study implemented by the Dutch NGO Humanist Committee on Human Rights (HOM), both link an increase in domestic violence with socio-economic problems associated with political transition and post-war conflict, as well as an increase in household firearms and other weapons (SEESAC 2007, 3; HOM 2006, 26-27, 29). According to SEESAC, there are 2,047,300 civilian firearms in Serbia (SEESAC 2007, 3).

Legislation and Implementation

Domestic violence became a separate criminal act in Serbia in 2002 through amendments to the Criminal Code (UN Sept. 2007, 4; OSI 2006). NGOs and international bodies have noted that further amendments to the Criminal Code reduced some of the penalties prescribed for domestic violence crimes; some sources indicate that

these changes occurred in 2005 (SEESAC 2007, 8; Voice of Difference from Serbia 30 Mar. 2007, 28;), while others state that they came into force in 2006 (UN Sept. 2007, 4; OSI 2006). According to an English language translation of the Criminal Code provided by the Organization for Security and Co-operation in Europe (OSCE), Article 194 of Serbia's Criminal Code defines domestic violence as the "use of violence, threat of attacks against life or body, insolent or ruthless behaviour [which] endangers the tranquillity, physical integrity or mental condition of a member of [a] family" (Serbia 2005, Art. 194). Punishment is a fine or up to one year's imprisonment (ibid.). There are longer prison sentences if a weapon is used (3 months to 3 years), if there is "grievous bodily harm or serious health impairment or committed against a minor" (1 year to 8 years), or if it causes the death of a family member (3 years to 12 years) (ibid.).

Article 114 of the Criminal Code, regarding "Aggravated Murder" punishes someone who "causes death of a child or pregnant woman" or "causes death of a member of his family who he previously abused" with 30 to 40 years' imprisonment (Serbia 2005, Art. 114). Article 186 of the Criminal Code indicates that a spouse can be charged with rape and other sexual offences (ibid., Art. 186).

According to a report which was submitted to the UN on behalf of five Serbian women's groups, Voice of Difference from Serbia, Autonomous Women's Center, ASTRA, Incest Trauma Center and Women in Black, most penalties for committing domestic violence are paroles and fines despite the availability of harsher punitive measures (Voice of Difference from Serbia Apr. 2007). The NGO Open Society Institute's (OSI) Violence against Women Monitoring Program reports that according to Ministry of Interior statistics for 2004, 10 percent of convictions for "Violence in the Family" crimes resulted in prison sentences (OSI 2006). According to a UNDP report, data published by the Ministry of Labour, Employment and Social Policy indicates that the number of police interventions in domestic violence increased during the period from 2002 to 2006 (UN Sept. 2007, 40). For the majority of cases, warnings were issued; misdemeanour charges were filed for approximately 30 percent of cases and criminal charges were filed in fewer than 10 percent (ibid., 41). The UNDP report states that there is "a lack of standardization in the police practice" (ibid., 41). Sources report that there are no standardized protocols for police intervention or protocols for interaction between different governmental agencies, and that training programs are "insufficient" (UN 20 June 2008; Voice of Difference from Serbia Apr. 2007, 3).

Two NGOs report that protective measures against family members who commit violence are part of the Family Law, which was enacted in 2005 (OSI 2006; Voice of Difference from Serbia 30 Mar. 2007, 28). According to OSI and corroborated in correspondence with the First Secretary of the Embassy of Serbia in Ottawa, these protective measures include removing the perpetrator from the family home and issuing restraining orders forbidding contact with the victim (OSI 2006; Serbia 29 April 2009). OSI reports that protective measures can be imposed for up to a year and can be extended (OSI 2006). According to the Criminal Code, violating a "measure against domestic violence" is punishable with a fine or up to six months' imprisonment (Serbia 2005, Art. 194). The UNDP reports that there is no official data publicly available on how these protective measures are implemented (UN Sept. 2007, 35). However, sources indicate that in practice, these protective measures are not regularly applied (OSI 2006; UN Sept. 2007, 35; SEESAC 2007, 12).

According to OSI, there is no state budget for combating domestic violence (OSI 2006). The Ministry of Labour, Employment and Social Policy's Fund for Social Innovations has provided some grants to NGOs working in the field of gender-based violence, including NGO and state partnerships (ibid.; SEESAC 2007, 15).

Women's NGOs and SEESAC report that Serbia does not have a national strategy against domestic violence (SEESAC, 15; Voice of Difference from Serbia Apr. 2007, 3). According to the COE Commissioner for Human Rights, Serbia has a draft National Action Plan for the Empowerment of Women and the Advancement of Gender Equality, which includes a section on domestic violence, but it had not yet been adopted in October 2008 (COE 11 Mar. 2009, Para. 134).

On 12 December 2008, the UNDP and the Serbian Minister of Labour and Social Policy agreed upon a project to combat gender-based violence (Serbia 12 Dec. 2008; UN 12 Dec. 2008). According to the UNDP, the project will include development of standard protocols and procedures, coordination among different institutions, development of a "coherent data gathering system" and support of a national policy in combating domestic violence (ibid.). The project is receiving funding from the Norwegian government (ibid.; Serbia 12 Dec. 2008).

According to Serbian women's groups, there were no state services which offered free legal assistance to victims of domestic violence in 2007 (Voice of Difference from Serbia Apr. 2007). However, in 2008, the Serbian Minister of Justice announced a project, in coordination with the UNDP and the Swedish International Development Agency (SIDA), to establish a free legal aid system for vulnerable social groups, including victims of domestic violence (Serbia 7 Apr. 2008).

Support Services for Victims

Sources report that there were nine shelters for victims of domestic violence in Serbia in 2006 and 2007

(SEESAC 2007, 9; OSI 2006). According to OSI, in 2006 there were spaces for 117 persons; a ratio of approximately one for every 38,500 adult women (presuming each woman is accompanied by an average of two children) (OSI 2006). UNDP and SEESAC report that there were 70 shelter spaces in Belgrade in 2007 (UN Sept. 2007, 23; SEESAC 2007, 10). However, an article published by the Serbian radio-TV station B92 in October 2007 announced the opening of two additional shelters with 40 spaces in Belgrade (B92 20 Oct. 2007). On 27 December 2007, the Serbian government reported on a third new shelter for women and children that opened in Belgrade (Serbia 27 Dec. 2007). According to the Serbian Minister of Labour and Social Policy, 130 women were placed in shelters in 2007, while 87 women used shelters in 2006 (ibid.). The Serbian government and B92 reported on plans to build additional shelters for women and children in 2008 in Zrenjanin, Sombor (ibid.; B92 11 May 2008) and Vranje (Serbia 27 Dec. 2007).

According to OSI and SEESAC, shelters are mostly run by NGOs and rely on foreign funding (OSI 2006; SEESAC 2007, 9). Some shelters operate in partnership between NGOs and state-run centres for social work (OSI 2006; SEESAC 2007, 10 see also COE n.d., Sec. 2).

According to SEESAC, provincial and municipal funding was made available for building shelters in the Autonomous Province of Vojvodina (SEESAC 2007, 10). According to OSI, the Center for Social Work in Sombor, Vojvodina established local mobile teams offering round-the-clock intervention in cases of domestic violence (OSI 2006).

CEDAW expressed concern that Roma women have been excluded from some shelters (UN 11 June 2007, Para. 23).

According to SEESAC and OSI, there are 39 hotlines that provide support to victims of domestic violence (SEESAC 2007, 9; OSI 2006). These hotlines are provided primarily by NGOs, although some are run by centres for social work (SEESAC 2007, 9; COE n.d., Sec. 2; OSI 2006). However, according to a UNDP report, none of the hotlines were available 24 hours per day in 2007 and only one functioned in the evening (UN Sept. 2007, 23-24).

Sources report that women's NGOs are active in providing services and support to victims of domestic violence in Serbia (UN Sept. 2007, 60; SEESAC 2007, 9; OSI 2006). Some NGOs provide free legal aid and assistance to victims (ibid.; AWC n.d.). There are more than 100 women's NGOs registered in Serbia according to the State Secretary of Serbia as reported in a UN press release (US Fed News 16 May 2007). For example, the Autonomous Women's Center (AWC) in Belgrade helps 1,500 women a year with psychological services, telephone consultations, and legal services, as well as undertaking educational, research and policy initiatives related to domestic violence (AWC n.d.). According to COE, OSI, and Serbian NGOs, many of these women's groups rely on international funding for their programs (COE n.d.; OSI 2006; Voice of Difference from Serbia 30 Mar. 2007). SEESAC reports that government support of NGOs for protecting victims of domestic violence is on an "ad-hoc basis" (SEESAC 2007, 10).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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